

**REMARKS/ARGUMENTS**

The specification has been revised to conform it to the preferred format for U.S. patent applications as required in the Office Action, and a Substitute Specification and Comparison Copy are submitted herewith.

New claims 16-25 are pending in this application. Claims 1-15 have been canceled.

New independent claim 16 submitted herewith is essentially a combination of original, now-canceled claims 1 and 7. Claim 16 defines a combination of an assembling machine to attach bags to a strip and a packaging machine that provides the bags. The packaging machine provides the bags in an attached form, the bags being attached at their end seal areas.

Original claim 7, directed to the packing machine, was rejected under 35 USC 103(a) for obviousness over Gur (5,433,060) in view of Pike (3,608,709) or Buckner (4,493,178).

New claim 16 requires amongst others that the jaw assembly has “a blade adapted to cut the bags and separate the bags into sets of a plurality of bags and attaching each set to the strip by a respective one of the end seal areas ....” Claim 16 further requires that the blade is “movable relative to the jaws to cut a desired number of bags for each set that is to be attached to the strip”. None of the three references over which claim 7 was rejected disclose or suggest the claimed arrangement to one of ordinary skill in the art.

Gur discloses a machine that simultaneously attaches bags to a backing (support) strip.

In conventional packaging machines, tubular bag material into which product is delivered passes between the sealing jaws that sealingly close the bags and then separate the bags. That is, each bag is separated from the following bags by the knife in the sealing jaws. The sealing and cutting takes place simultaneously as the sealing jaws engage the tubular bag material.

Gur discloses such a conventional packaging machine as is shown in Figure 1. Gur's sealing jaws 52 and 53 are provided with a knife (blade). The knife, though not shown in the drawings of Gur, is located in groove 58 (Figure 2). As described in column 4, lines 4-7, the "Groove 58 preferably contains a knife mechanism (not shown) which severs the package preformed into a lower filled package and an upper empty package". Column 4, lines 11-12 again teach that the knife mechanism separates the packages. Gur also discloses a mechanism that delivers a strip 18 to the jaws so that as each bag is cut from the next bag, the bag is attached to the strip 18. (Column 4, lines 16-18).

Thus, Gur only discloses a mechanism that produces separate bags.

Gur therefore only teaches how to produce a packaging assembly in which single bags are attached (one at a time) to the strip 18. Gur has no disclosure and gives no consideration as to how Gur's machine would have to be reconfigured so that sets of two or more bags can be attached to the strip, with the bags in each set being attached by the end seal areas.

More specifically, Gur cannot operate to produce a packaging assembly in which sets of bags (comprising a plurality of bags) could be attached to strip 18.

Pike discloses a machine that produces bags in a conventional manner. The jaws are separated from the knife, which is independently operable so that the bags can be arranged in sets. For example, Figure 2 shows that the set consists of two bags, the bags being joined by the end seal area 26.

There is no consideration given to attaching the bags of Pike to a backing strip as used in Gur.

It is impossible to combine Pike and Gur since Pike already has a blade that separates the bag. The addition of the further blade provided by Pike would serve no purpose. If Pike were installed upstream of the jaws 52 and 53 of Gur, then Gur would merely separate the joined bags so that each of the bags can be individually attached to the strip 18.

Accordingly, Pike cannot be combined with Gur to arrive at the present invention. Still further there is no suggestion in Pike or Gur to attach sets of bags (each set including a plurality of bags) to a backing strip; therefore there is no direction to one of ordinary skill with respect to the combination of these two references.

Buckner also fails to support the obviousness rejection of the claims. Although Buckner can produce a strip of bags, if this device were combined with Gur, the Gur device would ensure that the bags were individually attached to the backing strip; that is, no sets of bags, each set including a plurality of bags, would be attached to the strip. For example, if Buckner were installed in Gur upstream of the jaws 52 and 53, Gur would operate to separate the bags.

Buckner is silent with regard to attaching individual sets of bags to a backing strip and does not even remotely suggest such a construction. Accordingly, a combination of Gur and Buckner fails to suggest the claimed invention, and would fail to direct a skilled addressee to the present invention.

Further, claim 16 recites that “said blade [is] movable relative to the jaws to cut a desired number of bags for each set that is to be attached to the strip”.

Gur and Pike each have jaws with a fixed blade. Gur discloses that a knife mechanism (which is not shown in the drawings) is disposed in groove 58. There is no indication that the knife should be movable, how such movability might be attained, and what purpose it serves or advantage it provides.

The same comments apply to Buckner, which has a knife blade 78 secured to sealing jaw 24. (Column 5, lines 3-5).

Pike does not have gripping or sealing jaws which include a blade for cutting bags, as required by claim 1. Reciprocable shearing blades 22 of Pike are completely separate and independent of sealing heads or jaws 18.

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In view of the foregoing, applicants submit that independent claim 16, and therewith claims 17-27 which depend from it, are not obvious over Gur, Pike and/or Buckner, and therefore requests a formal Notice of Allowance at an early date.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (415) 273-4730 (direct dial).

Respectfully submitted,

  
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